

IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE: Mudassar Ahmed Mohammed  
Ayesha Mohammed Ahmed  
20614 Tealbrook Dr  
Cypress, TX 77433-1786

CHAPTER 13

CASE NO. 10-37787-H1

DEBTORS

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MOTION TO DISMISS OR CONVERT

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TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

David G. Peake, Chapter 13 Trustee moves the court to Dismiss or Convert the above-referenced case for the following reasons:

\_\_\_\_\_ The Chapter 13 Plan must be amended to provide for the claims of the secured and priority Creditors in full within the terms of the Plan.

  X   Payments due pursuant to U.S.C. § 1326(a)(1) have not been made.

  X   Debtors failed to appear for the Meeting of Creditors and this constitutes a failure to appear in proper prosecution of the case for purposes of subsequent eligibility under 11 U.S.C. § 109.

\_\_\_\_\_ The Debtors have not filed their Federal Income Tax return for the following years: . Therefore the Debtors are not able to meet the burden of proving that the Plan complies with 11 U.S.C. § 1322 (a) (2).

\_\_\_\_\_ The Debtors have caused unreasonable delay that is prejudicial to the Creditors.

  X   Other: Failed to submit to an ACH or EFT deduction.

**A HEARING WILL BE CONDUCTED ON THIS MATTER ON NOVEMBER 23, 2010 AT 1:45 PM IN U.S. BANKRUPTCY COURT, 515 RUSK, ROOM 404, 4TH FLOOR, HOUSTON, TX 77002-0000. IF YOU WANT A HEARING, YOU MUST REQUEST ONE IN WRITING. YOU MUST FILE YOUR RESPONSE WITH THE CLERK OF THE BANKRUPTCY COURT WITHIN TWENTY ONE DAYS AS FOLLOWS: 1. FILE A RESPONSE WITHIN TWENTY ONE DAYS THAT SHOWS THAT THE ABOVE-CITED DEFICIENCY HAS BEEN CURED, OR 2. FILE A RESPONSE WITHIN TWENTY ONE (21) DAYS THAT SHOWS THAT THE COURT SHOULD ALLOW YOU ADDITIONAL TIME TO CURE THE ABOVE-CITED DEFICIENCY. OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND DISMISS OR CONVERT YOUR CASE. IF THE DEFICIENCY IS FOR FAILURE TO FILE TAX RETURNS AND THE CASE IS DISMISSED, YOU WILL NOT BE ALLOWED TO FILE ANOTHER BANKRUPTCY CASE UNTIL ALL OF YOUR RETURNS ARE FILED.**

Wherefore, the Trustee requests that the case be dismissed or converted to Chapter 7, whichever shall be determined in the best interest of creditors.

Dated: October 25, 2010

/s/ David G. Peake

David G. Peake

Standing Chapter 13 Trustee

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**CERTIFICATE OF SERVICE**

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I certify that a true and correct copy of the foregoing document was sent to all parties listed on the matrix on file with the Bankruptcy Clerk's Office on or about the time this document was electronically filed with the Clerk on 10/25/2010. A copy of the Certificate of Mailing of the document is on file and may be viewed at the U.S. Bankruptcy Clerk's Office.

Electronically signed by  
David G. Peake, Chapter 13 Trustee

Debtor's Attorney of Record:  
BRIAN D WILLIAMS  
5519 LOUETTA, STE B  
SPRING, TX 77379

ACCOUNT SERVICES  
1802 NE LOOP #400  
SAN ANTONIO, TX 78217-5298

ANJUM AHMED  
C/O BRIAN D. WILLIAMS  
5519 LOUETTA, STE B  
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BAC HOME LOANS SER  
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BUTLER & HAILEY  
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CENTRAL FINANCIAL CONTROL  
PO BOX 66051  
ANAHEIM, CA 92816

CY-FAIR VFD  
PO BOX 940249  
HOUSTON, TX 77094

CYPRESS FAIRBANKS MED. CNTR  
PO BOX 849762  
DALLAS, TX 75284

GE MONEY BANK  
C/O RECOVERY MGMT SYSTEMS  
25 SE 2ND AVE, STE 1120  
MIAMI, FL 33131

IRFAN SHEIKH  
16711 COLD HARBOR LN  
HOUSTON, TX 77083

MCCLAIN TRAILERS INC  
11500 NORTHWEST FWY STE 620  
HOUSTON, TX 77092

NATIONWIDE REVOERY SYSTEM  
2304 TARPLEY RD STE 134  
CARROLLTON, TX 75006

Debtor:  
Mudassar Ahmed Mohammed  
Ayesha Mohammed Ahmed  
20614 Tealbrook Dr  
Cypress, TX 77433-1786

ALLSTATE FINANCIAL SERVICES  
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AUTOMATED HEALTH MANAGEMENT  
SERVICES  
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BAC HOME LOANS SERVICING LP  
PTX-B-209  
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CREDIT MANAGEMENT, INC  
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PRA RECEIVABLES MANAGEMENT LLC  
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IN RE:

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**ORDER OF DISMISSAL**

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The Court has considered the Trustee's Motion to Dismiss and any response or opposition thereto. The court is of the opinion that proper notice to all parties in interest has been given and that the Motion should be granted. It is therefore

ORDERED that this case is dismissed.

Dated: \_\_\_\_\_

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United States Bankruptcy Judge